

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**KELLOGG BROWN & ROOT, LLC**

**and**

**Case 31-CA-140948**

**DAVID TOTTEN**

**ORDER<sup>1</sup>**

The Employer's petition to revoke subpoena duces tecum B-1-KXAMBF is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.<sup>2</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 10, 2015

MARK GASTON PEARCE,	CHAIRMAN
HARRY I. JOHNSON, III,	MEMBER
LAUREN McFERRAN,	MEMBER

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Member Johnson notes that, although he would ordinarily find that Section 10(b) is a consideration in determining the relevance of information, this is an arbitration agreement case where the Board has interpreted Section 10(b) to find a violation arising from the ongoing maintenance of a violative arbitration agreement, see *Cellular Sales of Missouri*, 362 NLRB No. 27 (2014), and, moreover, it is the employer that has put the supervisory status of the charging party individual in issue, back when he was on its payroll in June 2013. See KBR Petition to Revoke at 1, ¶1. This would call for an examination of the relevant documents from that time.